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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,628	02/01/2006	Henry Kulakowski	64640.000003	8981
21967	7590	04/30/2008	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			LEWIS, JONATHAN V	
		ART UNIT	PAPER NUMBER	
		2623		
		MAIL DATE		DELIVERY MODE
		04/30/2008		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/552,628	KULAKOWSKI, HENRYK	
	<b>Examiner</b>	<b>Art Unit</b>	
	JONATHAN LEWIS	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 February 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 9-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 9-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10/07/2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-12, 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson et al. (US PG Pub. No. 2004/0109087).

Regarding claim 9 (new), Robinson et al. teaches a method of ordering goods and services (Abstract), related to a transmission received by a customer (Fig. 1, 32 shows the television unit where the transmission is displayed by the set top box 30 where it is received), is characterized in that during reception of the transmission the customer initiates a connection to a system for ordering goods and services (Fig. 1, 34 shows the remote control used to initiate a connection to the internet), related to the received transmission and during the connection the customer orders goods or services offered by the system for ordering goods and services (page 1, 0012), which refer to the transmission, the system for ordering goods and services being available for the duration of the transmission (page 2, 0019 discloses the selection during the transmission), dynamically changing the offer of goods and services depending on the transmission (page 2, 0023 discloses the changing of the goods available based on the

scene changes), and in the case of an inability to offer certain goods and services, either suitably informing the customer of the inability during the connection or not servicing the connection (page 4, 0037 discloses the inability to offer certain goods and not servicing the connection).

Regarding claim 10 (new), Robinson et al. teaches a method according to claim 1 characterized in that at any moment of the transmission, instead of initiating the connection, the customer remembers the current time of the transmission and sends it later during a suitable connection to the system of ordering goods and services, based on that time the range of the formerly broadcast transmission being identified, and the offer of goods and services being made available to the customer, identical to what the customer would have had access to at the remembered time (page 2, 0022 discloses the ability of the user to remember, by freezing the frame that they wish to later purchase from).

Regarding claim 11 (new), Robinson et al. teaches a method according to claim 1 characterized in that the order parameters are given during the connection (page 3, 0029 discloses the order parameters of the viewer given to the service provider during the connection).

Regarding claim 12 (new), Robinson et al. teaches a according to claim 1 characterized in that part of the order parameters, concerning the customer are available in the system of ordering goods and services and taken during the connection basing on the identification of the customer (page 3, 0029 discloses the viewer

identification information available based on location, age, gender, and sales information).

Regarding claim 14 (new), Robinson et al. teaches a method according to claim 1 characterized in that the connection during which the customer is identified, is a confirmation of interest of the customer in the offer of the system of ordering goods and services related to the transmission and basing on this confirmation and, other such confirmations the customer considers offers generated by the system based on the identification of the customer and connections received from the customer during a later contact with the system of ordering goods and services (page 3, 0029 discloses that during the connection, the customer confirms interest by selecting the desired product, and at a later date the information is “mined” for viewing and purchase habits of registered users).

Regarding claim 15 (new), Robinson et al. teaches a method according to claim 1 characterized in that the transmission is a multimedia transmission (Fig. 1).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. (US PG Pub. No. 2004/0109087) in view of Zigmond et al. (US Pat. No. 6,966,066).

Regarding claim 13 (new), Robinson et al. teaches all the claim limitations as stated above, except that instead of the connection the exchange of messages between the customer and the system of ordering goods and services is enabled.

However, Zigmond et al. teaches that instead of the connection the exchange of messages between the customer and the system of ordering goods and services is enabled (col. 5, lines 39-53).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to enable a user to exchange messages with the system, in order to allow the user to have greater interactivity with the system when determining the goods and services to be purchased.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Hardingham et al. US PG Pub. No. 2003/0167469
- b. Zigmond et al. US PG Pub. No. 2005/0273832

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2623